

Remarks

The application being filed herewith is a continuation application of co-pending U.S. Patent Application Serial No. 10/251,143, filed September 20, 2002 ("Parent Application I"), which is in turn a divisional application of U.S. Patent Application Serial No. 09/626,412, filed on July 26, 2000 ("Parent Application II").

Amendments to the specification

The specification filed herewith is to be amended as set forth above.
Specifically:

- 1) A "Cross Reference to Related Applications" section has been added at page 1 to assert the continuation status of the application, as set forth above; and
- 2) The Abstract at page 23, lines 3-18 has been replaced with a new Abstract of 150 words or less in length. The Abstract submitted in this Preliminary Amendment was the same substitute Abstract submitted and accepted in Parent Application II.

No new matter has been added to the specification.

Previous Rejection of Claims under 35 U.S.C. § 102

In Parent application II, in an Office action dated June 3, 2003, claims 24-27 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,139,430 (“Lewis et al.”).

The Applicants respectfully disagree that claims 24-27 are anticipated by Lewis et al.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires each and every element of the claimed invention to be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited

1 §102 reference of any claimed element negates the anticipation. (Kloster
2 Speedsteel AB, et al v. Crucible, Inc., et al, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.
3 1986)). Furthermore, “[a]nticipation requires that all of the elements and limitations
4 of the claims are found within a single prior art reference.” (Scripps Clinic and
5 Research Found. v Genetech. Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010
6 (Fed. Cir. 1991 (emphasis added)). Moreover, the PTO and the Federal Circuit
7 provide that §102 anticipation requires that there must be no difference between the
8 claimed invention and the reference disclosure. (Scripps Clinic and Research Found.
9 v. Genetech, Inc., id. (emphasis added)). Accordingly, if the Applicants can
10 demonstrate that any one element or limitation in claims 24-27 is not disclosed by
11 Lewis et al., then the respective claim(s) must be allowed.

12 The Applicants contend that claim 24, and claims 25-27 which depend
13 therefrom, are not anticipated by Lewis et al. With respect to independent claim 24,
14 that claim includes the following limitations:

15
16 An apparatus to secure a first electrical connector mounted to
17 an electronic module to a second electrical connector supported by a
18 support structure, . . . , comprising:

19 a latch having a first end and a lever portion, the lever portion
20 configured to exert a force on the electronic module when in a first
21 position to thereby allow the first electrical connector and the second
22 electrical connector to be urged together;

23 a **compliant member** positioned between the latch first end
24 and the support structure to thereby bias the lever portion away from
25 the first position; and

 a catch configured to secure the latch in the first position.

 (Emphasis added.)

1 As can be seen, Applicants claim 24 requires the compliant member to be
2 positioned between the latch first end and the support structure. (See Applicants'
3 Fig. 6A which depicts compliant member 46 as being positioned between latch first
4 end 45 and the support structure 15.) Lewis et al. does not show such an
5 arrangement. Rather, Lewis et al. shows a compliant member (spring 32, Fig. 6)
6 positioned between a latch first end (4) and a bracket 36 which is attached to the
7 electronic module 12, Fig. 1). Since bracket 36 of Lewis et al. is attached to the
8 electronic module 12, the compliant member 36 is thus positioned between the latch
9 first end 40 and the electronic module, not between the latch first end and the
10 support structure, as is required by Applicants' claim 24.

11 For at least these reasons, the Applicants contend that claim 24 is not
12 anticipated by Lewis et al. Since claims 25-27 depend from claim 24 (either directly
13 or indirectly), these claims include the limitations of claim 24. Accordingly, claims
14 25-27 are also allowable over Lewis et al. The Applicants therefore request that
15 claims 24-27 be allowed.

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17 The Examiner is respectfully requested to contact the below-signed
18 representative if the Examiner believes this will facilitate prosecution toward allowance of
19 the claims.

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Respectfully submitted,

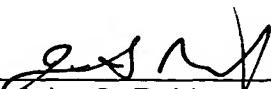
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Steven Heidenreich
Richard G. Sevier
Gunter Schkrohowsky, and
James L. Dowdy

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By



John S. Reid
Attorney and agent for Applicants
Reg. No. 36,369
Phone: (509) 534-5789

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